

REMARKS

In the Office Action mailed November 16, 2005, the Examiner rejected claims 56-59, 62-66, 69-72 and 75. By way of the foregoing amendments and the markings to show changes, Applicants have amended claims 56 and 75 and added new claims 76-82. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

I. Drawings

The Office Action objected to the drawings suggesting that “the first panel and second panel are molded to integrally incorporate the first panel and second panel” must be shown. Applicants traverse this objection. In particular, Applicant assert that the drawings of the application show “the first panel and second panel are molded to integrally incorporate the first panel and second panel” in, for example and without limitation, Figs. 9A-9F¹. Applicants also contend that other examples of “the first panel and second panel are molded to integrally incorporate the first panel and second panel” are shown in the drawings and that the skilled artisan would understand such from a full reading of the application in conjunction with the drawings.

II. Claim Objections

The Office Action objected to claims 56 and 75 of the present application.

The Office Action suggests that, in claim 56, line 14, “cross-vehicle structure and second structure” should be –panel and second panel-. Such change has been made.

The Office Action suggests that, in claim 56, line 18, “moded” should be –molded-. Such change has been made.

The Office Action suggests that, in claim 75, line 2, “cross-vehicle structure and second structure” should be –panel and second panel-. Such change has been made.

¹ It will be understood that the panels of Figs. 9A-9F can be otherwise incorporated with each other as discussed in the application.

III. Rejections under 35 USC 112

The Office Action rejected claims 56-59, 62-66, 69-72 and 75 under 35 USC 112, first paragraph suggesting that, "the specification, while being enabling for the 'first panel' and the 'second panel' being molded, does not reasonably provide enablement for co-molding the second panel to the first panel or molding the first panel and the second panel to be 'integrally incorporate the first and second panel'". Applicants have amended claim 56 to change the term co-molded. In addition, however, applicants traverse the rejection under 35 USC 112, first paragraph.

The application at the bottom of page 4 and top of page 5 specifically contemplates the integral incorporation of the panels by molding. Moreover, as discussed above in regard to the drawings, the skilled artisan would understand that panels such as those shown in Fig. 9A-9F as well as others in the application can be so molded.

The Office Action rejected claims 56-59, 62-66, 69-72 and 75 under 35 USC 112, first paragraph suggesting that:

Claim 56 is confusing and appears to be incorrect. The claim reads such that one would believe that the panels are molded together because of the limitation, 'a second molded plastic panel co-molded to the first panel'. However, it appears that the panels are molded and then connected by another method (e.g., using a fastener, an adhesive or a welding technique)...

The Office Action further reads:

Claims 56 and 63 are confusing and appear to be incorrect. The claims read such that one would believe that the panels are molded together because of the limitation, 'the first panel and the second panel are molded to integrally incorporate the first panel and the second panel'. This limitation contradicts the earlier claimed connection by 'mechanical interlocks...

Applicants traverse these rejections. The present application, at the bottom of page 6 and top of page 7 clearly contemplates the panels being integrated together using mechanical interlock in addition to other connection techniques in the application. Moreover, examples of mechanical interlock that can be used in

combination with molding to “to integrally incorporate the first panel and the second panel” are shown in various of Figs. 4A-11F and are discussed in pages 15-21².

IV. Claim Rejections under 35 USC 102

The Office Action rejected claims 56-59, 62-66, 69-72 and 75 under 35 USC 102 as being anticipated by Delmastro (6,354,623). Applicant traverse these rejections.

Pursuant to MPEP 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Both claims 56 and 63 reads, “wherein the first panel and the second panel are molded to integrally incorporate the first panel and the second panel”. However, the Office Action fails to establish that Delmastro anticipates this language of the claim. The Office Action fails to show how Delmastro includes a first panel and a second panel “molded to integrally incorporate the first panel and the second panel” in conjunction with the other language of the claims of the present application. As such, Applicants contend that the Office Action fails to establish a prima facie case of anticipation of the claims of the present application by Delmastro. Applicants request that the rejections of claims 56, 63 and their dependents be withdrawn.

The Office Action suggests that the first plastic material of Delmastro, “may include PC/ABS material, as disclosed on lines 44-45 of column 2.” Applicants review of lines 44-45 of column 2 suggest that Delmastro does not specifically contemplate PC/ABS material. As such, Applicants contend that the Office Action fails to establish a prima facie case of anticipation of the claims of the present application by Delmastro. Applicants request that the rejections of claims 56, 63 and their dependents be withdrawn.

² It will be understood that these are only examples and that other connections of the panels within the language of the claims are contemplated.

The Office Action suggests that the second plastic material of Delmastro, “may include ... polypropylene, in reference to claim 63...” However, Delmastro, in its discussion of a “different material” at col. 2, lines 47-58 does not appear to specifically contemplate PC/ABS or Polypropylene as candidates for the “different material”. As such, Applicants contend that the Office Action fails to establish a prima facie case of anticipation of claim 63 of the present application by Delmastro. Applicants request that the rejections of claim 63 and its dependents be withdrawn.

The Office Action suggests that Delmastro discloses, “an opening (16) for an air bag module” is a panel. However, Applicants contend that this does not address the specific language of claims 56 and 71 reading, “wherein one or both of the first panel and the second panel include an opening for receiving an instrument or a gauge”. As such, Applicants contend that the Office Action fails to establish a prima facie case of anticipation of claims 56 and 71 of the present application by Delmastro. Applicants request that the rejections of claims 56, 71 and their dependents be withdrawn.

Furthermore, Applicant points out that it would likely be improper to present a final rejection of claims 56-59, 62-66, 69-72 and 75 on a grounds alternative to that already presented since applicants have not amended those claims in a manner, which would necessitate such alternative grounds. In particular, the MPEP reads:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant’s amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee...” MPEP 706.07(a)

Thus, any new grounds of rejection, “that is neither necessitated by applicant’s amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee...” would be improper.

V. New Claims

Applicant have added new claims 76-83 and believe they are patentable over the references of record.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

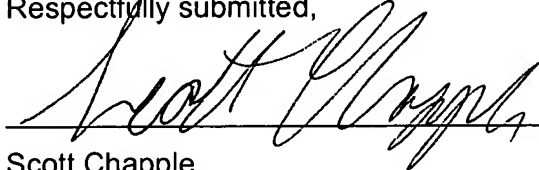
CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 04-1512 for any fee which may be due.

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Respectfully submitted,



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